IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 29169 of 2007(V)

PETITIONER:

KABIRLAL, S/O. LATE KRISHNAN,
AGED 40 YEARS, POOMALIL HOUSE, SURABHI NAGAR,
KAKKANAD.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   THE SECRETARY HOME, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **CIRCLE INSPECTOR OF POLICE,**
   KALAMASSERY CIRCLE, ERNAKULAM.

3. **SUB INSPECTOR OF POLICE,**
   THRIKKAKARA POLICE STATION, THRIKKAKARA,
   KAKKANAD, ERNAKULAM.

4. **SHAJI INNOCENT, AGED ABOUT 52 YEARS,**
   PAZHANEZHATH HOUSE, SURABHI NAGAR, KAKKANAD,
   KOCHI-30.

5. **KATHRA SHAJI, W/O. SHAJI INNOCENT,**
   -DO- -DO-

BY GOVERNMENT PLEADER SRI. P.A. SALIM for R1
BY ADV. SRI.A.BALAGOPALAN for R4 & R5
SMT.KALA G.NAMBIAR
SMT.LAKSHMI.T.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPIES OF THE ELECTION IDENTITY CARD.**

EXT.P2: **COPY OF THE RATION CARD.**

EXT.P3: **COPY OF THE PATTA ISSUED BY THE TAHSILDAR.**

EXT.P4: **COPY OF THE PROPERTY TAX RECEIPT ISSUED BY THE VILLAGE OFFICER.**

EXT..P6: **COPY OF THE SAID SUMMONS.**

/TRUE COPY/

P.A.TO JUDGE

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K.BALAKRISHNAN NAIR & K.P.BALACHANDRAN, JJ.

Writ Petition (C) No.29169 of 2007-V

Judgment

Balakrishnan Nair, J.

The petitioner has approached this Court, alleging that respondents 2 and 3 are harassing him at the instance of respondents 4 and 5. There is some dispute between the petitioner and respondents 4 and 5, concerning the width of a pathway and also regarding the construction of compound wall in the boundary of their property. The 4th respondent has already moved the civil court against the alleged encroachment into the pathway by the petitioner. There is an order of status quo in that suit, it is submitted. Alleging that the Police is interfering in that civil dispute and the petitioner is being harassed by frequently summoning him to the police station, to compel him to construct a compound wall to his property, this Writ Petition is filed.

2. The learned Government Pleader appearing for the official respondents deny the allegations of the petitioner. According to the Police Officers, a complaint was received from the 5th respondent stating that the petitioner is abusing her mentally retarded child. The parties were once called and the petitioner was strictly warned. When again, a petition was received

against the petitioner, he was served with a notice to appear before the Police. It is a usual general practice to summon the parties to the police station, when a complaint is received. It can, in no way, be described as a harassment to the petitioner. In fact, the petitioner is harassing respondents 4 and 5 by abusing their mentally retarded child. So, they have moved the police against the said action of the petitioner, it is submitted.

3. The dispute between the parties has to be settled before other appropriate forums. The submissions of the police that they are only enquiring into a complaint received against the petitioner and that they are not harassing him, are recorded and the Writ Petition is accordingly disposed of.

K.BALAKRISHNAN NAIR,JUDGE

13.11.2007 **K.P.BALACHANDRAN, JUDGE**

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